



DEPARTMENT OF THE NAVY
NAVAL SEA SYSTEMS COMMAND
1333 ISAAC HULL AVE SE
WASHINGTON NAVY YARD DC 20376-0001

EXHIBIT C

IN REPLY REFER TO
12752
Ser IWS3/200
30 Sep 19

From: Program Executive Office, Integrated Warfare Systems (PEO
IWS 3.0)
To: Carrie Thomas

SUBJ: NOTICE OF DECISION TO INDEFINITELY SUSPEND

Ref: (a) 5 CFR Chapter 752
(b) SECNAVINST 12752.1A, w/ CH-1, Disciplinary Actions
of 06 Nov 17
(c) NAVSEA ltr 12752 Ser IWS 3.0/159, Notice of Proposed
Indefinite Suspension of 8 Aug 19
(d) N. Ellis email of 9 Aug 19 at 1045, Subj; Notice of
Proposed Indefinite Suspension and Enclosures 1 of 2
(e) N. Ellis email of 9 Aug 19 at 1049, Subj: Thomas C
Indefinite Suspension Enclosures 2 of 2
(f) Ms. Thomas Oral Reply Summary of 28 Aug 19
(g) In Reply to Indefinite Suspension Proposal C. Thomas
with References (a) Through (h) of 29 & 30 Aug 19
(h) Position Requirement Document (PRD) #H4Y9015/1586306

Encl: (1) U.S. Merit Systems Protection Board Rules and
Regulations
(2) U.S. Merit Systems Protection Board Appeal Form
(3) Department of Labor Standard Form SF-8

1. In accordance with references (a) and (b), this is official notice that I have decided to indefinitely suspend you from your position of Financial Management Analyst, NH-0501-04, for failure to meet a condition of employment; i.e., suspension of your access to classified information and assignment to a sensitive position. Your indefinite suspension will become effective on 1 October 2019. You will remain on administrative leave until the effective date of your indefinite suspension.

2. You received reference (c) on 9 August 2019 by email, along with references (d) & (e). References (c) through (e) described the facts and circumstances relied upon to support the proposed indefinite suspension, provided you the materials that supported it, informed you of your right to reply to it orally and/or in writing, to submit affidavits and other documentary evidence in support of your reply, and to be represented in this matter by a person of your choice. On 28 August 2019, you provided an oral

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reply. Reference (f). On 29 August 2019, you submitted your written reply. Reference (g).

3. After full and careful consideration of the information contained in references (c) through (g), I find that the reasons specifically stated in reference (c) are properly established and sufficiently support your indefinite suspension. The position of Financial Management Analyst, NH-0501-04, per reference (h), is designated as a non-critical sensitive position and requires that you obtain and maintain a SECRET security clearance with access to classified information. As long as your access to classified information and assignment to a sensitive position are suspended, you cannot meet this condition of employment and therefore, cannot perform the essential duties of your position. Therefore, in accordance with references (a) and (b), it is my decision to place you in an indefinite suspension status with an effective date of 1 October 2019.

4. During your oral reply, you identified a number of options other than indefinite suspension. I do not find those options to be appropriate. I further note that the Agency does not have a policy that requires it to reassign you to, or create, a position that does not require access to classified information following the suspension of your access to classified information.

5. Conditions of Indefinite Suspension and Further Action. You will be carried in an indefinite suspension status (non-duty/non-pay) until a final decision is made on your access to classified information and assignment to a sensitive position. If your access to classified information and assignment to a sensitive position is restored, you will be notified to return to duty. If your access to classified information and assignment to a sensitive position is not restored, action will be initiated to propose your removal from Federal employment. In such a case, you will be notified of the proposed removal in writing and you will continue in an indefinite suspension status through the notice period of the proposed removal and until a decision is made on the proposed removal.

6. Appeal rights. You may appeal this indefinite suspension to the U.S. Merit Systems Protection Board (MSPB or Board) pursuant to its regulations at enclosure (1). Enclosure (2) is a copy of the Board's optional appeal form.

7. An appeal to the Board, if any, may be submitted by using the Board's appeal form, or in any format, however, it must:

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- a. Be in writing,
- b. Give your reasons for contesting your removal from Federal service, with such offer of proof and pertinent documents as you are able to submit;
- c. State whether you desire a hearing in connection with your appeal; and,
- d. Be submitted no later than 30 calendar days after your date of receipt of this notice or from the effective date of this letter, which ever may be later.
- e. Consequence for late filing. If you do not submit an appeal within the time set by Section 1201.22 of enclosure (1) or by order of a judge, it will be dismissed as untimely filed unless a good reason for the delay is shown. The judge will provide you an opportunity to show why the appeal should not be dismissed as untimely.
- f. You may also obtain the MSPB appeal form at <http://www.mspb.gov>. Filing of your appeal must be made to MSPB by personal delivery, by facsimile to (703) 756-7112, by mail, or by commercial overnight delivery to:

U.S. Merit Systems Protection Board
Washington Regional Office
1901 S. Bell Street
Suite 950
Arlington, Virginia 22202

8. As an alternative, you may file an appeal electronically by using the Board's website: <https://e-appeal@mspb.gov/>.

a. An electronic appeal is required if made by an attorney. The MSPB implemented a procedure in the Washington region which requires filing the appeal electronically ***if filed by an attorney.***

b. Therefore, if at any point you choose an attorney in the Washington region, ensure any appeal is filed electronically using the Board's website above.

9. To facilitate the processing of an appeal, if any, you should provide a copy of your appeal to, and cite the name and address of the agency that took the action as:

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Department of the Navy
Naval Sea Systems Command
1333 Isaac Hull Avenue, SE
Washington Navy Yard, DC 20376-9910
Attn: Director, Labor and Employee Relations, SEA
10H3, Mr. Craig Trower, SEA 10H3 and Section Head,
Civilian Personnel, Ms. Kathleen O'Neill, SEA 00L

Mr. Trower can be reached at his email at craig.trower@navy.mil or by phone at (202) 781-0438. Ms. O'Neill can be reached at kathleen.oneill@navy.mil or by phone at (202) 781-5403.

10. Equal Employment Opportunity (EEO) Complaint: If you believe the action is based on prohibited discrimination because of your race, color, religion, sex, age (40 or over), national origin, and/or physical or mental disability, you may include this allegation when appealing to the MSPB or you may file an Equal Employment Opportunity (EEO) complaint consistent with the provisions of 5 U.S.C. 7121(d) and 29 CFR 1614.301 and 1614.302. To file an EEO complaint, you must contact an EEO counselor at (202) 781-4991 or (202) 781-5336 or NAVSEAHQEEO@navy.mil within forty-five (45) calendar days of your receipt of this letter.

11. Appeal to the Office of Special Counsel (OSC): If you allege that the action is being taken against you because of reprisal for whistleblowing activity; you may elect one of the following remedies:

a. You may file an appeal to the MSPB (5 U.S.C. §7701) as indicated above; or

b. You may seek corrective action under subchapters II and III of 5 U.S.C. Chapter 12, by filing a complaint with the OSC (5 U.S.C. §1214). After a complaint is filed with OSC, you may file an Individual Right of Action (IRA) appeal with the MSPB (5 U.S.C. §1221).

c. If you choose option b above, i.e., to first seek corrective action by filing a complaint with OSC, your subsequent appeal to the MSPB will be deemed an IRA appeal. Pursuant to 5 C.F.R. §1209.2, you will be limited to the rights associated with an IRA appeal. Specifically, the MSPB will only consider whether you have demonstrated that one or more whistleblowing disclosures was a contributing factor in the agency taking this personnel action against you, and if so, whether the agency has demonstrated by clear and convincing

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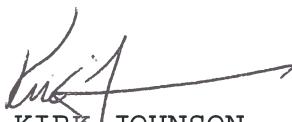
evidence that it would have taken this personnel action in the absence of the protected disclosure(s). You may not raise affirmative defenses other than reprisal for whistleblowing activities, such as claims of discrimination or harmful procedural error.

12. Health Benefits. Immediately, please contact the Navy Civilian Benefits Center in order to protect your Federal benefits to include, but not limited to: health, life insurance, retirement, Thrift Savings Plan, and long term health-coverage, please contact the Department of the Navy's Benefits Line at: 1-888-320-2917 between 7:30 a.m. and 7:30 p.m., Eastern Time, Monday through Friday, except Federal holidays. Choose menu option #4 to speak to a Customer Service Representative (CSR). You may also visit the Benefits Line web site at the following: <http://www.public.navy.mil/donhr/Benefits> Please contact the Navy's Benefits Line described above immediately for advice and assistance in claiming your benefits. Please do not delay in contacting the Navy's Benefits Line to ensure you maintain all the benefits that you are entitled.

13. Retirement Benefits. You may be eligible for immediate or disability retirement pay benefits under the Federal Employees Retirement System (FERS). Please contact the Navy's Benefits Line described above immediately for advice and assistance in claiming your benefits. Please do not delay as your Health Benefits may depend upon your retiree status.

14. Unemployment Compensation Information. Enclosure (3) is the Department of Labor Standard Form 8 (SF-8) which provides you information regarding unemployment compensation. If you file a claim for unemployment compensation, you must provide the SF-8 to your local unemployment office when you file your claim. If you fail to provide the SF-8 when you file your claim, your claim may be delayed. If you have any questions regarding enclosure (3), please contact Mr. Norman Ellis, Labor and Employee Relations, SEA 10H3 at the contact information below.

15. If you have any questions concerning the rules and procedures used in this matter, you may contact Mr. Norman Ellis, Labor-Employee Relations Office at (202) 781-3413 or by email at norman.ellis@navy.mil


KIRK JOHNSON
By direction